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ABSTRACT

Before one can discuss student regulations and discipline in a university, it is important to recognize that the university is a community because the principles of learning require a community context. "Community" should therefore be the primary reality and symbol around which to develop regulations and disciplinary strategy. Laws and rules are agreements made among persons to preserve and enhance endurable and safe human relationships, and all laws and rules derive their validity solely from their contribution to the creation, development and maintenance of the community. Freedom is not a gift, but a responsibility from which many seek to escape by developing an authoritarian personality, through destruction, or through conformity. Students seek relationships, and when a student breaks a rule, it is important to remind him that the rule is the symbol of the reality of human relationship, needs and commitments, and to ask him who was offended and what specific human relationship or trust broken. Once the student understands this, the way is open for positive self-directed action. Students should be judged by the community to which they belong; most will accept the challenge of accountability to their peer group and to the university community as a whole. (AF)

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Group 44
Tuesday Morning and Afternoon, March 3

STUDENT REGULATIONS AND DISCIPLINE: CREATING AND MAINTAINING THE COMMON-UNITY*

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It is a time of growth and development, of change and reconstruction, of unrest and protest--and a time of hope and possibility. It is the American college scene, 1970. How, in this scene of problems and potentials shall we govern ourselves? It is my purpose to comment on community, on law and on freedom; and then to propose a few practices and programs.

Others--notably commission members of AAUP, COSPA, and NASPA--have been steadily and creatively at work defining academic freedoms and students' rights and responsibilities. Their work--touching on procedural due process, legal matters, court decisions and student personnel practices--is widely published and distributed, as befits the importance of their contributions.

I can add nothing new to that discussion. Rather I have chosen to point to concepts and principles which became important to me in my first assignment as Dean in charge of student regulations and discipline.

COMMUNITY

One man is not a man. With that paradox we emphasize our absolute need for each other as a condition for life--and for life that is human. Man's biological weakness is the condition of human culture. We are irrevocably interdependent in our struggle to meet our life needs. Fromm concludes that man needs to satisfy his physiologically conditioned drives and to avoid isolation and moral aloneness (Fromm, 1965). Ardrey summarizes the eternal three faces of Janus as the need for identity, for security and for stimulation (Ardrey, 1966). Similarly, Maslow reduces his data into the famous conclusion of hierarchical needs including physiological requirements, safety, love, self-esteem and self-actualization (Maslow, 1962). All this is finally familiar ground. We know intuitively and empirically that we need each other for survival. It is the common-unity which ties us together beneath all our unique individuality.

But is it necessary for the university to be a community? Can learners not be adequately sustained by community outside the institution? The answer lies in the requirements for effective learning and in the goals of education.

The tendency is for learners to get together to clarify issues, test hypothesis, pool data, etc. Every major principle of educational psychology turns out to be essentially a social process. Consider the requirement of social models.

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Practically all behavior is learned through the process of social modeling in which the learner imitates the behaviors of important others with whom he has identified himself (Bandura and Walters, 1963). Thus, we learn, both consciously and more subtly, how to walk, talk, eat, dress, read; and how to think and feel about self and others. The necessary ingredient in this basic educational process is identification. Obviously identification is not abstract but concrete, direct and personal--dependent upon exposure and interpersonal warmth and regard. We may be tempted to assume a decreasing educational significance for social modeling as we rise up the educational ladder entering college, but that assumption must be questioned. While it is obviously true that the higher, more sophisticated learning is not so directly imitative as in the elementary tasks of learning to say words, to walk, to swim, etc., it is yet true that the learner installs his behaviors as some sort of integration of the possible behaviors he has observed. Where learning is to be rich, varied, innovative, there must be a large number of social models and sufficient time and intimacy for identification to occur between learners and models.

Consider, also, the matter of psychological reinforcement. We know that behaviors rewarded are likely to be established and that behaviors punished are likely to be deleted. But this formula is deceptive because we cannot assume what will be reinforcing or what will be punishing without a rather intimate knowledge of the learner and his relationships. Perhaps even more important to the issue, we cannot assume to know what behaviors should be reinforced and what behaviors abandoned unless we are in close relationship with the learner and unless there is agreement about matters of value and worth. The S-R-R formula cannot be effectively or safely applied outside the community.

We point, moreover, to the effective power of the social peer group over its members. Where educational programs are instituted in such a way as to harness the potent forces of peer associations, learning is greatly enhanced; and where education is attempted without--or in conflict with--peer groups, learning is significantly thwarted. The power of the peer group is in direct proportion to the degree to which it provides identity, security and stimulation to its members; that is, in the measure that it sustains human life.

We conclude that the principles of learning require a community context; and that this is true regardless of the particular culture, regardless of the educational goals. But a special urgency for community is generated by the educational goals pointed to in a democracy. We want our youth to become not only technologically skillful, but also tolerant, broad-minded, accepting and understanding of emotions, less controlled by inner impulse and more controlled by reason, less controlled by external authority, more self-directing and self-fulfilling. Such goals cannot be achieved in a social vacuum; these behaviors are worked out in the community. We shall refer to this again in our comments on freedom.

Community has become for me the primary reality and the primary symbol around which to develop regulations and disciplinary strategies. All laws, rules and organizational structures derive their validity solely from their contribution to the creation, development and maintenance of community. If, as we assert to be true, learning and human development are always personal and interpersonal, then the health and strength of the community is the responsibility of every person in the community.

To those who experience the reality of community in their study and learning, this context of governance and discipline is intuitively understood and their

behavior tends to be responsible, supportive, and community-enhancing. Those outside the common-unity are deprived and will become baffled, frustrated, annoyed and destructive. If one has not the freedom and the power to enhance himself, he seeks to destroy; for in destroying, he obtains some relief from his awful non-being.

Our task as administrators and physicians of the educational community is to help its members practice behaviors which support humanness and which open that community to those who are outside and need the identity, security and stimulation it affords.

In spite of our best intentions, we discover that we cannot make community a gift. It is achieved--wrought out of confrontation and encounter. We are tempted to try to create rules "once and for all" so that we need not be bothered. We want short-cuts through the perennial burden of creating and re-creating the community.

LAW

All laws and rules are agreements (commitments, testaments) made among persons to preserve and enhance endurable, safe human relationships. Naught else. Behind every legitimate law and regulation is human relationship. The law, agreed to by members of the community governed, is then a symbol of the reality of human relationship needs and commitments.

The agreements (laws) are handy man-made inventions to short-cut the difficult task of asking in each moment of behaving what human relationships are to be considered in the act. We rely on laws as quick, ready-made references to behavior. Indeed, we could make little progress in our complex world without such guides and codes. Unfortunately, we tend to learn the symbols and abbreviations, forgetting the reality that has been symbolized and abbreviated. When this happens, we become automatons; and in keeping the letter of the law, we may violate its spirit. Our laws and rules become burdens to be carried rather than instruments of freedom.

It is not surprising to note that those who experience alienation and isolation rather than community are those who are unable to respond creatively to laws and rules, for the reality to which the symbols point is not in their repertory of experiences. Such isolated and excluded persons may yield to the power over them and adhere to the letter of the law in fear and ignorance. The law for them is not an instrument of freedom, but the means by which they divest themselves of their freedom and responsibility to act and to decide. This is the response of the authoritarian personality who has not come to terms with the implications of his freedom. He is prevented from acting out of his own will.

Others who are inside the community by their matriculation but outside so far as their reality is concerned, may respond in hostility and destruction, flaunting the rules and regulations which are without meaning. In so doing they seek a measure of integrity.

Finally, not only are the rules symbols, but we have also symbolized the penalty for violation. Most frequently a penalty can be paid for a violation without any recognition of or attendance to the human relationship broken in the act of violation. For instance, how well does the payment of a twenty dollar traffic fine help a person to be reinstated with the persons whose life he endangered

by the violation? The dis-relationship and dis-unity continue unresolved. It is doubly unfortunate because this technical-compliance-despite-disunity tends to numb and blind us to human relationship behind this and all other law.

So poorly do we articulate the reality behind our laws that we may come eventually to behave as though the keeping of all laws and rules were synonymous with maintaining healthy relationships—the common-unity. To adopt that view is to say that laws precede relationship, that human responsibilities were created by law.

No! It is absolutely fundamental for us to understand and to communicate that all our rules derive from our relationships and responsibilities. For me to acknowledge this precedence of responsible relationship before and over law is to acknowledge that I am ultimately responsible to persons, not to laws.

FREEDOM

We have said that community is not a gift. Now we acknowledge that freedom is not a gift either. The freedom and the power to be self-directing and self-fulfilling signifies a separation and independence from others and from nature. Such freedom is always dialectic: on the one hand, it enables us to become independent, self-reliant, critical; while at the same time, it forces us into loneliness, isolation and fear (Fromm, 1965). The more I am freed, the less secure and the more lonely I become. As the child individuates himself from his mother he develops his own will, his own wants; but he is also more vulnerable, less secure. This is the pattern.

In response to the terror of our loneliness and burden of responsibility we may take one of two directions. We may move backward in an effort to avoid our nakedness; or we may move forward spontaneously in love and in labor seeking a new level of union with others and with nature.

Many seek to escape from their freedom. One means of escape is to develop the authoritarian personality in which the person seeks either to control others or to be controlled and subdued. It is an effort to be rid of self and the encumbent responsibility of selfhood by complete symbiosis with others. By making self mergent with the other, either through submission or through domination, the person hopes to ward off his loneliness and responsibility. He manages to say, "It is not I." The authoritarian personality has abdicated from his position of self-direction and is likely to find community difficult to achieve and appreciate. He is forced to relate to the world in terms of fixed stereotypes. He works at cross-purposes with his own self-interests and poses some of our worst problems in the matters of governance and discipline.

Another common effort to escape freedom is destruction. If I am powerless to enhance myself, I will seek to destroy that which seems to prevent me from acting. Suppression of ideas and feelings, insurmountable social and economic conditions spawn futility and produce deep reservoirs of destructiveness.

The third category of escape described by Fromm is automaton conformity. By adopting the role assigned to him in the cultural system and playing the role as

specified he ceases to be himself and he manages his insecurity. Critical thinking, spontaneity, and responsiveness are dangerous and must be suppressed at all costs. If I do what I'm told, I'll be rewarded, I'll be secure. Of all the mechanisms of escape, conformity may be the most antithetical to a liberalizing, freeing education--and it may well be the most immune to correction for it enables the person to manage very well until the moment of existential crisis (Fromm, 1965).

The beginning of any intelligent program of governance is to recognize the escape effort in ourselves and in those with whom we work. It is to our conflict and ambivalence on the matter of personal freedom that we can most productively focus our attention. This is what a college education is finally about: the freeing of persons to utilize their energies lovingly and creatively.

IMPLICATIONS, PRACTICES, PROGRAMS

What follows is rather personal in that I shall try to summarize some of the ways we attempted to implement the understandings I have pointed to under the symbols of community, law and freedom.

I think that one of my most impressive learnings is that students seek relationship. Though they clamor for freedom and work to formalize their autonomy, they really seek our love. Responding to the demands for freedom, giving them autonomy has satisfied neither their needs nor ours unless we have also given our own selves. It is a grave mistake for me to pose as an objective, dispassionate person.

The beginning of vitality in myself--and I think also for the students-in-violation--has quite consistently been the moment of personal encounter or confrontation in which the truth about ourselves was made apparent. I really mean selves, plural; for it seems to me that the confrontation occurs creatively only as I become personally offended by the violator, only as I have the courage to enter a here-and-now relationship of alienation. In that moment I speak not for any other one or group, but directly for myself. It is in this encounter that both of us learn to be in touch with our own feelings, learn the truth and clarify the issue. Because the offense is being reenacted in this moment of meeting, we can also seek immediate reunion and thus learn how to take the specific steps to restore the broken relationship of the initial offense.

I have felt that this direct, immediate involvement in the alienation and reunion is a specific and logical extension of my convictions about community and law. It is broken human relationship that concerns me, not the abstraction of that relationship which is rule or law.

Under the same principle, I ask the student (in the first interview) what brings him to my office. Almost invariably, the student cites a specific behavior and a specific rule or law that was violated. Then I ask who was offended, what specific human relationship of trust was broken. Usually the student is uncertain, and baffled by the question. In some situations (as in a physical assault) the student can respond without much thought; but I have continued to be impressed with the wonder and bewilderment of students when I ask about the human relationships instead of the rules. Many have been impatient, explaining that they were sent for an interview in my office to take care of the problem and that they expected some sort of action and decision from me. Sometimes their anger with me over just this issue has served as the basis for the here-and-now relationship in which we could deal with the larger problem.

Once the student understands that justice requires human relationships to be repaired and community to be restored, the way is opened for positive, personal self-directed action. Having clearly understood that it is persons he has violated, not laws, he also understands that there is little use in paying abstract penalties. Students have been able to suggest creative ways to reinstate themselves with persons whom they violated. Or, as in the case in traffic fines, library fines, etc., he can at least deal with the fact that the penalty has been formalized and abstracted precisely becuase there is no possible way for him to be personally reconciled with the unknown persons against whom the real offense was committed.

Because we believe that student regulation and governance pertains to the development and maintenance of community, we felt that our primary goal should be to strengthen and empower the natural communities to which students belonged. We reasoned that wherever possible, the primary group to which the offending student belonged should have the responsibility and the power to handle the problem--even if the specific incident were unrelated to the group. Surprisingly, most student groups accepted the challenge and usually worked intelligently, forthrightly and compassionately to be accountable to each other in their community and to the larger university community.

We had, of course, created a system of procedural due process in keeping with the by-now-widely-known statements of COSPA, NASPA, and AAUP. The primary focus, however, was to give the first responsibility and authority to the naturally-created communities on campus.

Where the sutdent seemed to have no definable community he could call his own, we attempted a number of approaches. One was to create a judicial committee of faculty and students to serve as a "first-line" hearing board for students in violation. It worked as eell as conventional judicial systems do, but we had some difficulty in keeping this system from reinforcing traditional responses to rules and penalties--that is, reinforcing the abstraction rather than the personal reality.

Another experiment was to create a temporary "learning team" of students who had been apprehended in some behavior of irresponsibility and violation. These teams met for a number of consecutive weeks for the purpose of examining their own behaviors and learning about the university as a community of learners. This experiment was not entirely successful since their involvement in the group was contrived and essentially coerced. Yet despite these obvious handicaps, we judged that about half of the total number involved exhibited considerable growth in their self-awareness and in their understanding of responsible membership in the community.

One additional approach has been conceptualized, but was never implemented. The offending student would be asked to name his own committee of three students and one faculty to hear the facts of the case and to recommend action in behalf of the student and the community. In that experiment the Dean would serve as a consultant only at the request of the student and the committee. This experiment was suggested on the assumption that responsible personal relationships are the most likely to develop when the student's indigenous community is involved.

Group 44
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TENTATIVE CONCLUSIONS

First attention must be given to creating community that does sustain humanness, that encourages spontaneity and self-directed activity. This means that students must be given the power to make significant decisions for themselves and in behalf of their community.

We shall probably have to destroy the provisions for specialists who set things aright by referring to laws, rules, procedures and penalties. I have come to the rather radical conclusion that many, if not all, efforts to institutionalize law enforcement result ultimately in the erosion of community. No society is likely to be able to employ enough professional "peace keepers" to maintain itself. Each person in the community must be called on to confront and to be confronted. We--all of us--are our brothers' keeper.

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